

who remain voiceless under despots and strongmen and lack the advocates and resources to detail their abuses and seek justice, whether through documentary film or newspaper stories.

That is why the Senate bill went beyond the particular case of Sergei Magnitsky. Much like Jackson-Vanik forced Budapest, Warsaw, and Moscow to allow citizens to freely emigrate or travel, I believe a global approach would help to deter future abuses throughout the world. I am puzzled and, frankly, disappointed that our House colleagues did not recognize our government needs tools that will allow it to stand up for these individuals regardless of where they are in the world.

Because some have elevated the subject of commerce above human rights, there is a view that it is more important to pass PNTR than a global Magnitsky bill; thus, we should settle for a Russia-only bill. While the Jackson-Vanik sanctions we are about to repeal have obviously outlived their usefulness, there is an urgent need for additional tools to protect the invisible around the world.

I hope our collective failure to give voice to their struggles, except in Russia, will not discourage these brave men and women, whether in Beijing, Tehran or elsewhere, from their continued efforts to root out corruption or expose rule of law abuses.

For now, at least, we address the problem in Russia. While I will not be here next year, I hope my colleagues in both the House and Senate will seek to uphold U.S. values and to do justice to Sergei Magnitsky and his legacy by passing a global bill sometime in the future.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, let me thank Senator KYL for his leadership on this issue. He knows I share his views on the global aspect of the legislation. I wish to thank him for his extraordinary leadership as we have been working this issue. We have worked it hard to try to get as far as we possibly could. He will be missed in the next Congress.

We will take up this cause again, but I wanted to thank Senator KYL for his commitment on this issue and finding a way that we could advance this bill to the floor. I do look forward to the day we will make this bill global.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. REID. As provided under the previous order, at 5 p.m., the Senate will proceed to executive session to consider Calendar No. 676.

For the information of all Senators, we expect a rollcall vote on the nomination of Michael Shea, a district court judge for the District of Connecticut, at approximately 5:30.

We will go into executive session at 5 and move toward that.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 6156

Mr. REID. Mr. President, I ask unanimous consent that no amendments be in order to H.R. 6156; that following the reporting of the bill, there be up to 5 hours of debate, equally divided by the two leaders or their designees during today's session; that on Thursday, December 6, at a time to be determined by the majority leader, after visiting with and consulting with the Republican leader, there be up to 10 minutes of debate, equally divided by the two leaders or their designees; and that upon the use or yielding back of time the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

The minority leader.

Mr. MCCONNELL. Mr. President, reserving the right to object, last week, Secretary Geithner brought up for the President an offer that was so not serious it makes me wonder what the point of it was. In light of that offer, I would like to see if our Democratic friends are willing to support it. It includes a \$2 trillion tax increase over 10 years, which would be the biggest real-dollar tax increase in U.S. history. It increases taxes on nearly 1 million small businesses and increases the taxes paid by family farmers and small businesses at death in the middle of a jobs crisis.

Most outrageous of all, it gives the President of the United States unilateral power—unilateral power—to raise the limit on the Federal credit card, the so-called debt ceiling, whenever he wants, for as much as he wants.

I don't think we should have to speculate how Democrats might feel about this. I think we should give them a chance to demonstrate for themselves how serious the President's plan was and how serious they are.

I would like to ask consent to offer an amendment to the Russia trade bill—this is Secretary Geithner's proposal right here—an amendment to the Russia trade bill that gives our friends on the other side of the aisle a chance to vote on this proposal Secretary Geithner brought up last Thursday. It gives the President's proposal to solve the fiscal cliff, as delivered by Secretary Geithner and outlined in the President's budget, an opportunity to be voted upon.

I should note I would be happy to have this vote right here or as an amendment to the next bill or as a stand-alone. It will not slow down what I hope is swift passage of PNTR for Russia. If this proposal was made in good faith, our friends on the other side, I am sure, would be happy to vote for it.

Let me just say I expect my good friend, the majority leader, to decline this chance to support the President and this laughable proposal because they know it couldn't even pass if it was sent to their majority.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I reserve the right to object.

Just a minute ago, Mr. President, I moved to the Russia trade bill. The purpose of moving this bill is to protect American jobs. If we don't do this legislation, we will lose American jobs for sure and put American companies in even worse shape than they are with Chinese and European companies. So the question is really this: Are we going to get serious here and legislate or is this more of the obstructionism we have felt so much of during this last Congress? The answer to that is really obvious. The answer is yes. Are we going to continue the sort of political stunts the minority leader is trying to pull here and now?

On the substance, the Senate has passed a bill that will go a long way to address the fiscal cliff. It has already passed here. Last July the Senate passed a bill to continue tax cuts for 98 percent of all Americans and 90 percent of all American small businesses. If the Republican leader were serious about preventing us from going over the fiscal cliff, he would urge his colleague, the Speaker, to get the House to take up the Senate-passed bill now. There are Republicans who have already said that is the right thing to do. Conservatives, more moderate Republicans—we even had one Republican Senator today say she thinks that will happen and it should happen.

In the meantime, the Republican leader's request is just a stunt. But the election is over. It is time to get down to business. These pieces of paper he has—Secretary Geithner didn't bring that stack of stuff to me. It was a private meeting—a private meeting—trying to work something out with this very troublesome issue facing this country—the deficit, the debt. And this private meeting turned out to be a publicity stunt for the Republicans talking about what he had said in private.

So, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

The Republican leader.

Mr. MCCONNELL. Mr. President, I would add one comment about the consent I just offered. I think it would not be inaccurate to assert that the proposal the Secretary of the Treasury brought up last Thursday would not have passed the House when NANCY PELOSI was Speaker. This was an unserious proposal. And I can understand why my good friend the majority leader would rather not vote on it because I can't imagine that it would get many, if any, votes here in the Senate as well.

Having made that point, with regard to PNTR for Russia, when the two parties first sat down to discuss the so-called fiscal cliff, it was widely assumed among Republicans that President Obama and Democrats actually wanted to avoid it. That was the premise on which any possible agreement hinged. That was the common goal—or so we thought. Over the past couple of weeks, it has become increasingly clear to many of us that we were simply wrong about that. Incredibly, many top Democrats seem perfectly happy—perfectly happy—to go off the cliff. That is why the President has been more interested in campaign rallies than actually negotiating a deal, and it explains why the President is now stubbornly insisting on raising tax rates when he himself said just last year that you could raise more revenue from capping deductions and closing loopholes.

Look, this isn't about the deficit for them or balance. It is about an ideological campaign most Americans thought would have ended on November 6. And that is also why the President sent Secretary Geithner up here last week with a proposal so completely ridiculous it wouldn't have passed the House, as I indicated earlier, if NANCY PELOSI were still Speaker. It was more of a provocation than a proposal, to be perfectly frank about it. It was a message that the President really doesn't want to deal at all.

To date, not a single Democrat has come forward to support the Geithner proposal, and anybody who looks at the details would certainly understand why. As I just indicated, it includes a \$2 trillion tax increase over 10 years—the biggest real-dollar tax increase in U.S. history. It increases taxes on nearly 1 million small businesses in the middle of a jobs crisis. According to Ernst & Young, this type of rate hike would cause more than 700,000 Americans to lose their jobs. It raises taxes on investment income, harming economic growth even more. It includes tens of billions of dollars in more Washington spending in a deal supposedly to cut the deficit. And most outrageous of all, it gives the President of the United States unilateral power to raise the limit on the Federal credit card—the so-called debt ceiling—when ever he wants, for as much as he wants.

While I am flattered that the administration has taken to calling this the “McConnell provision,” they seem to have forgotten how this provision worked in the Budget Control Act. Yes, we gave the President the authority then to request a debt ceiling increase, but that was only after the White House agreed to \$2 trillion in cuts to Washington spending and agreed to be bound by the timing and amount set by Congress.

This time, the request is for the President to have the ability to raise the debt ceiling whenever he wants, for as much as he wants, with no fiscal responsibility or spending cuts attached.

This is an idea opposed by Democrats and Republicans alike. It is a power grab that has no support here, and so it is not only completely dishonest, it is juvenile to compare it to last year's debt ceiling agreement. It would also be incredibly irresponsible since history shows that the only major deficit-cutting deals we ever do around here—ever—come after debates over the debt ceiling. It may be a good idea if you don't care about the debt, but it is a nonstarter for those of us who do. It also represents a dangerous attempt by the President to grab more power over spending—power Congress must not and will not cede.

Beyond these details, not only would the President's plan raise taxes on certain individuals, it would also cap their ability to deduct donations they make to charities, the interest they pay on mortgages, the contributions they make to retirement accounts, and the value of employer-based health insurance. Don't get me wrong, you have heard me say that if Democrats insist on getting more money to Washington, capping these deductions is a better way to raise revenue, but capping deductions and raising taxes is a recipe for economic disaster.

The President's proposal would also subject tens of thousands of small businesses and family farms to a massive tax hike to be paid by the family upon the deaths of the owners. It would impose a crushing tax increase on industries that employ millions of Americans, including manufacturers in my State, businesses that operate abroad, the insurance industry, and would raise the price at the pump by targeting the oil and gas industry for special tax treatment.

It is so ridiculous, as I have said repeatedly, it wouldn't have passed the House under Speaker PELOSI, and that is why even the most liberal Members of Congress, the President's most ardent supporters, haven't come forward to support it. So for the White House to demand a response shows they are just playing games at this point.

If you don't believe me, ask yourself this: How many Democrats would vote for this bill? Not many. But I didn't think we should have to speculate. I still think we should give Democrats a chance to demonstrate for themselves just how serious the President's plan was and how serious they are.

That is why I just asked consent to offer an amendment to the Russia trade bill that gave them that opportunity. As I noted, I would be happy to have this vote here or as an amendment to the next bill or as a stand-alone. It will not slow down what I hope is swift passage of PNTR for Russia. If the President's proposal was made in good faith, our friends should be eager to vote for it. So I am surprised the majority leader just declined the chance for them to support it with their votes. I guess we are left to conclude that it couldn't even pass by a bare majority of votes and they would

rather take the country off the cliff than actually work out a good-faith agreement that reflects tough choices on both sides.

To be fair to the Secretary and to the President, we didn't just put together a bill that included his \$2 trillion tax increase, we also added the almost \$400 billion in new tax stimulus measures he wanted as well. This bill contains a continuation of the payroll tax holiday, a 10-percent credit on new wages that will go to businesses large and small, and it included a fix to one of the many flawed provisions of ObamaCare, an expansion of the tax credit for businesses that no one uses. This proposal reflected exactly what was in the President's budget and his various submissions to Congress. I, for one, was eager to see this vote, to see if Senate Democrats were ready to support it. I think folks should know who actually wants to raise taxes on family farmers and manufacturers and who thinks we can solve our fiscal problems without doing anything serious to our real long-term liabilities.

Our Democratic friends are so focused on the politics of this debate that they seem to forget there is a cost. They are feeling so good about the election, they have forgotten they have a duty to govern. A lot of people are going to suffer—a lot—if we go off this cliff. That is why we assumed Democrats would have preferred to avoid it. We thought this was the perfect opportunity to do something. Apparently, we were wrong.

I yield the floor.

The PRESIDING OFFICER. Is there objection to the original request?

Hearing none, it is so ordered.

The majority leader.

Mr. REID. Mr. President, there is no Geithner proposal. This is all made up.

Mr. President, I remember Dorothy in “The Wizard of Oz”—I think she was from Kansas and she wound up in Oz. We are here in Washington, DC, and yet suddenly we are in Oz—a real strange place.

The Republican leader is an expert in ways to kill legislation, and people who are watching can see he is trying to torpedo the fiscal cliff negotiations which are ongoing.

Republican Senators have spoken to people in the White House today. This is no serious way to negotiate, out here on the Senate floor. At the end, the Republican leader is complaining because President Obama wants the rich to pay their fair share, and as usual Republicans are defending the rich, holding tax cuts for the middle class hostage.

At the first of the year, unless we work something out, taxes will go up for people making less than \$250,000 a year, an average of \$2,200 each—not per family but each person. The Senate has already passed the centerpiece of President Obama's offer, and his offer has always been the same.

We are not going to go through the same thing we have gone through here for years where we lay out different

ways to cut spending and there is never any revenue. The President has made it very, very clear. They have already passed the President's proposal, which is to make sure people making less than \$250,000 a year are not burdened with an extra \$2,200 each after the first of the year. That passed in July. The House could take that up. Every Democrat in the House has agreed they will vote for that. We need only 25 or 26 Republicans in the House to make life something that is stable for people making less than \$250,000 a year.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, may I ask my friend from Maryland if he has spoken on the Magnitsky portion of this bill?

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. We have not yet gotten to the bill. I believe we are now prepared to go to H.R. 6156. I know the Senator from Connecticut would like to speak for 5 minutes, and I was hoping we could get some time where we could go back and forth and talk about the Magnitsky aspects of that legislation now.

Am I correct, Mr. President, that the bill has not yet been reported or it will be reported now and that perhaps we can enter into a consent agreement as to the next 30 or 40 minutes?

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of H.R. 6156, which the clerk will report by title.

The assistant bill clerk read as follows:

A bill (H.R. 6156) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I also note several of our friends, including Senator LIEBERMAN, who are on the floor. Senator LIEBERMAN also has had a major role in this legislation, and I would ask unanimous consent that he be included in the colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask my friend, Senator CARDIN, I had a statement I wanted to make before the colloquy and I know the Senator has a statement. Since it is his legislation, I

would be glad to wait with my remarks until the Senator from Maryland completes his. And how much time, could I ask, of my colleague?

Mr. CARDIN. I think my initial comments would be about 10 minutes.

Mr. MCCAIN. And I would have about 10 minutes, if that is agreeable to my friend from Connecticut—who, obviously, is jobless and homeless. So I ask unanimous consent that the Senator from Maryland make his remarks, followed by mine, and then the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maryland.

Mr. CARDIN. Mr. President, first, let me thank Senator MCCAIN for not just working this out but for his leadership on this issue. He has provided the moral leadership we need on dealing with human rights issues. He is a co-sponsor of the Sergei Magnitsky Accountability Act, and I thank him for that.

Today we close a chapter in the U.S. history on the advancing of human rights with the repeal basically of Jackson-Vanik. It served its purpose. Today, we open a new chapter in U.S. leadership for human rights with the Sergei Magnitsky Rule of Law Accountability Act.

As the Presiding Officer has heard, this involves a lawyer named Sergei Magnitsky who had U.S. interests that he was representing in Russia. He discovered the largest tax fraud in Russia's history. He did what a lawyer should do: He brought it to the attention of the authorities.

As a result of his bringing this corruption in local government to the authorities, he was arrested. He was tortured because they wanted him to recant what he had said. They wanted him to basically not tell the truth. He refused to do that. He needed medical attention; he was denied medical attention; and on November 16, 2009, he lost his life in a Russian prison, being denied the opportunity to get needed health care. He was 37 years old, with a wife and two children. Those who were responsible for his death and those who were responsible for the coverup have never been brought to justice. They have gone unpunished, and in some cases they have even been promoted.

The facts are well known. These are not hidden facts. The international community knows the people who were involved, knows about the coverup, and knows that they have not been held accountable, and this has gained international attention. That is why I filed legislation aimed at the individuals responsible for the Magnitsky tragedy. It says, quite clearly, that those involved would be held accountable by being denied certain international rights.

It also includes those involved in extrajudicial killings, torture, or violations of internationally recognized human rights. The legislation says, Look, we are not going to let you have

the fruits of your corruption. We are going to deny you the opportunity to hold your illegal gains in our banking system—which is where they prefer; they don't want to hold rubles, they want to hold dollars—and that we will not let you have a visa, a privilege, to visit our country, to visit your property in our country or your family in this country. It targets the individuals who committed the gross human rights violation, and it recognizes the failure of the host country to deal with those violations.

I want to thank all those who have been involved in the development of this legislation. Senator MCCAIN has been one of the great leaders on these human rights issues. This is not a partisan division. We have strong bipartisan support. I have already acknowledged Senator KYL, who recently spoke. I know Senator WICKER took the floor a little earlier and I thank him, the ranking member on the Helsinki Commission. I want to thank Senator SHAHEEN, the chair of the European Subcommittee of the Senate Foreign Relations Committee for her work, and Senator BOB MENENDEZ on the Foreign Relations Committee. All those individuals were very instrumental in dealing with this. Senator DURBIN has been a real champion on human rights. I want to acknowledge Kyle Parker, staff person from the Helsinki Commission, who was very instrumental in the development of this legislation. I want to also acknowledge Senator LIEBERMAN's work. I know he will be speaking in a few minutes.

It was Senator LIEBERMAN, Senator MCCAIN, and myself who first suggested that we should pass the Magnitsky bill. It is the right thing to do, but we certainly shouldn't let PNTR go without attaching the Magnitsky bill. I thank Senator LIEBERMAN and Senator MCCAIN for raising that connection. It was the right thing to do. First, it allowed us to get this human rights tool enacted. Secondly, I think it gave us the best chance to get the PNTR bill done in the right form. So I thank both of them for their leadership.

In 1974, we passed the Jackson-Vanik law that dealt with the failure of the Soviet Union to allow for the emigration of its citizens, affecting mainly Soviet Jews. It was controversial in its time. People said, Why are we connecting human rights to trade? Why is the United States doing that? After all, trade is so important.

Well, we did it. It made a huge difference, and we were able to get Soviet Jews out of the Soviet Union. We spoke for Western values in our trade legislation. We protected the rights of individuals who refused this.

When I first came to Congress 26 years ago, I joined the congressional caucus for Soviet Jewry. I wore the wrist bands of refuseniks, joined by many of our colleagues. Twenty-five years ago, I marched in Washington, a march for Soviet Jews. We stood for basic rights, and we changed the landscape on this issue. I had a chance to